

**REMARKS****Summary of the Office Action**

In the Office Action dated July 2, 2004, claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ogatsu et al. (US, 57,199,56) in view of Nakatsuka et al. (US, 49,262,54).

Drawings stand objected because appropriate English translation identifying the drawings are missing.

**Summary of Response to the Office Action**

Applicant has amended claims 1 and 7 to further define the invention, has cancelled claim 2, and has added new claim 17. Accordingly, claims 1 and 3-17 are presently pending. In addition, Applicant respectfully submits concurrently herewith a Submission of Replacement Drawings.

**Objection to the Drawings**

The drawings are objected to because appropriate English translation identifying the drawings are missing. Accordingly, Applicant respectfully submits concurrently herewith a Submission of Replacement Drawings amending annotation to the drawings. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

**All Claims Define Allowable Subject Matter**

In the Office Action, claims 1-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ogatsu et al. (US, 57,199,56) in view of Nakatsuka et al. (US, 49,262,54). Applicant traverses the rejections of all claims, and respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Independent claim 1, as amended recites, a color image processing method, including in part “wherein, setting the color signals other than black in said second color signals to zero, when the color signals other than black in said first color signals are zero.” Similarly, independent claim 7, as amended, recites a color image processor, including in part “wherein the color signals other than black in said second color signals are set to zero, when the color signals other than black in said first color signals are zero.”

In the Office Action, the Examiner admits that “Ogatsu et al. do not disclose setting the color signals other than black in said second color signals to zero, in case the color signals other than black in said first color signals are zero.” Thus, the Examiner asserts that Nakatsuka et al. discloses setting the color signals other than black in said second color signals to zero, in case the color signals other than black in said first color signals are zero (col. 7. lines 59-67, and FIG. 7A). Applicant respectfully disagrees.

In contrast to Applicant’s invention, Nakatsuka et al. teaches at column 7, line 56 to column 8, line 10, column 8, line 59 to column 9, line 12, and as depicted in FIG. 7, the color patches  $OP_1$  to  $OP_{21}$  where density values of the respective primary chromatic components changed stepwise by five percent in the halftone area rate are employed to create color conversion table CT. However, Nakatsuka et al. is completely silent about the color image processing method and color image processor that are adapted to selectively set any non-black color signals in the second color signals to zero when corresponding non-black color signals in the first color signals are zero. While, Nakatsuka et al. discloses several examples as to how image conversion is implemented when an achromatic component (i.e. black color, col. 6, lines 46-64, and col. 7, lines 16-20) has a value of zero, none of Nakatsuka et al.’s image conversion

methods is adapted to implement the cases when any of the chromatic components (i.e., color components: yellow, magenta, and cyan) has a value of zero.

As instructed in MPEP §2143.03, “[t]o establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 4980 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Applicant respectfully submits that in light of the argument presented above with regard to amended independent claims 1 and 7, Nakatsuka et al. fails to cure the deficiencies of Ogatsu et al. Accordingly, Applicant respectfully requests that the rejection of amended independent claims 1 and 7 under 35 U.S.C. § 103(a) be withdrawn because Ogatsu et al. and Nakatsuka et al., whether taken singly or combined, fails to teach the “setting the color signals other than black in said second color signals to zero, in case the color signals other than black in said first color signals are zero” as recited by amended independent claims 1 and 7.

Furthermore, Applicant respectfully submits that dependent claims 3-6 and 8-16 are in condition for allowance for all of the reasons discussed above with regard to amended independent claims 1 and 7, from which they respectfully depend, as well as the individual features that dependent claims 3-6 and 8-16 recite.

#### **New Claim 17**

Applicant has added new claim 17. Applicant respectfully submits that new claim 17 further define the subject matter of the current invention. Thus, Applicant respectfully requests consideration of newly added claim 17.

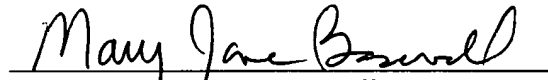
**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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